

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (currently amended): In a data communication network wherein data is transmitted from a first node to a second node, a method for operating said first node, said method comprising:

~~transmitting data packets from said first node to said second node, wherein transmitting said data packets from said first node to said second node includes encapsulating said data packets such that a sequence number is appended in a header for each transmitted data packet to facilitate retransmission;~~

determining when space is available in a retransmission buffer;

storing said data packets in said retransmission buffer when it is determined that space is available in said retransmission buffer;

holding said data packets in a queue when it is determined that space is not available in said retransmission buffer and space is available in said queue;

discarding said data packets when it is determined that space is not available in said retransmission buffer and space is not available in said queue; and

receiving bitmap information from said second node that identifies packets to be retransmitted.

Claim 2 (original): The method of claim 1 further comprising:  
retransmitting said packets identified by said bitmap information to said second node.

Claim 3 (canceled).

Claim 4 (original): The method of claim 1 wherein said data communication network  
comprises a point to multipoint network.

Claim 5 (original): The method of claim 4 wherein transmitting comprises:  
transmitting employing a DOCSIS MAC protocol.

Claim 6-11 (canceled).

Claim 12 (currently amended): In a data communication network wherein data is  
transmitted from a first node to a second node, apparatus for operating said first node, said  
apparatus comprising:

means for transmitting data packets from said first node to said second node, ~~wherein said~~  
~~means for transmitting said data packets from said first node to said second node include means~~  
~~for encapsulating said data packets such that a sequence number is appended in a header for each~~  
~~transmitted data packet to facilitate retransmission;~~

means for determining when space is available in a retransmission buffer;

means for storing said data packets in said retransmission buffer when it is determined  
that space is available in said retransmission buffer;

means for holding said data packets in a queue when it is determined that space is not available in said retransmission buffer and space is available in said queue;

means for discarding said data packets when it is determined that space is not available in said retransmission buffer and space is not available in said queue; and

means for receiving bitmap information from said second node that identifies packets to be retransmitted.

Claim 13 (original): The apparatus of claim 12 further comprising:

means for retransmitting said packets identified by said bitmap information to said second node.

Claim 14 (canceled).

Claim 15 (original): The apparatus of claim 12 wherein said data communication network comprises a point to multipoint network.

Claim 16 (original): The apparatus of claim 15 wherein said means for transmitting comprises:

means for transmitting employing a DOCSIS MAC protocol.

Claims 17-22 (canceled).

Claim 23 (currently amended): In a data communication network wherein data is transmitted from a first node to a second node, a computer program product for operating said first node, said apparatus comprising:

~~code that transmits data packets from said first node to said second node, said code that transmits data packets from said first node to said second node including code that encapsulates said data packet such that a sequence number is appended in a header for each transmitted data packet to facilitate retransmission;~~

code that determines when space is available in a retransmission buffer;

code that stores said data packets in said retransmission buffer when it is determined that space is available in said retransmission buffer;

code that holds said data packets in a queue when it is determined that space is not available in said retransmission buffer and space is available in said queue;

code that discards said data packets when it is determined that space is not available in said retransmission buffer and space is not available in said queue;

code that receives bitmap information from said second node that identifies packets to be retransmitted; and

a computer-readable storage medium that stores the codes.

Claim 24 (original): The computer program product of claim 23 further comprising:  
code that retransmits said packets identified by said bitmap information to said second node.

Claim 25 (canceled).

Claim 26 (original): The computer program product of claim 23 wherein said data communication network comprises a point to multipoint network.

Claim 27 (original): The computer program product of claim 26 wherein said code that transmits comprises:

code that transmits employing a DOCSIS MAC protocol.

Claims 28-33 (canceled)

Claim 34 (previously presented): The method of claim 2 wherein retransmitting said packets identified by said bitmap information to said second node includes retransmitting said packets until a retry limit is approximately reached.

Claim 35 (previously presented): The apparatus of claim 13 wherein said means for retransmitting said packets identified by said bitmap information to said second node include means for retransmitting said packets until a retry limit is approximately reached.

Claim 36 (previously presented): The computer program product of claim 23 wherein said code that retransmits said packets identified by said bitmap information to said second node includes code that retransmits said packets until a retry limit is approximately reached.

Claim 37 (new): The method of claim 1 wherein transmitting said data packets from said first node to said second node includes encapsulating said data packets such that a sequence number is appended in a header for each transmitted data packet to facilitate retransmission.

Claim 38 (new): The method of claim 12 wherein said means for transmitting comprises means for including a sequence number with each transmitted data packet to facilitate retransmission.

Claim 39 (new): The computer program product of claim 23 wherein said code that transmits comprises code that includes a sequence number with each transmitted data packet to facilitate retransmission.